

OPINION 2336 (Case 3576)***Oscinella* Becker, 1909 (Insecta, Diptera, CHLOROPIDAE): precedence reversed with *Melanochaeta* Bezzi, 1906 and *Pachychaetina* Hendel, 1907**

Abstract. The Commission has conserved the widely used generic name *Oscinella* Becker, 1909 (CHLOROPIDAE) by giving it precedence over *Melanochaeta* Bezzi, 1906 and its objective synonym *Pachychaetina* Hendel, 1907 whenever these names are considered to be synonyms.

Keywords. Nomenclature; taxonomy; Insecta; Diptera; CHLOROPIDAE; *Oscinella*; *Melanochaeta*; *Pachychaeta*; *Pachychoeta*; *Pachychaetina*; *Oscinella frit*; *Melanochaeta capreolus*; Holarctic; Oriental; Afrotropical; Neotropical; Australasian; Palearctic; frit fly.

Ruling

Under the plenary power the Commission:

- (1) has ruled that the name *Oscinella* Becker, 1909 is to be given precedence over the following generic names, which are objective synonyms of each other, whenever it and the other two are considered to be synonyms:
 - (a) *Melanochaeta* Bezzi, 1906;
 - (b) *Pachychaetina* Hendel, 1907.
- (2) The name *Melanochaeta* Bezzi, 1906 (gender: feminine), type species *Elachiptera aterrima* Strobl, 1880, is hereby placed on the Official List of Generic Names in Zoology with the endorsement that it is not to be given priority over *Oscinella* Becker, 1909 whenever the two are considered to be synonyms, as ruled in (1)(a) above;
- (3) The following names are hereby placed on the Official Index of Rejected and Invalid Generic Names in Zoology:
 - (a) *Pachychaetina* Hendel, 1907 (gender: feminine), type species *Elachiptera aterrima* Strobl, 1880, automatic; a junior objective synonym of *Melanochaeta* Bezzi, 1906, so permanently invalid.
 - (b) *Pachychaeta* Loew, 1845 (gender: feminine); introduced as a synonym that was not later used as valid, so not available under Article 11.6.
 - (c) *Pachychoeta* Bezzi, 1895 (gender: feminine), type species by monotypy *Elachiptera aterrima* Strobl, 1880, by original designation; a junior homonym of *Pachychoeta* Bigot, 1857 and a junior objective synonym of *Melanochaeta* Bezzi, so permanently invalid.
- (4) The entry on the Official List of Generic Names in Zoology for the name *Oscinella* Becker, 1909 is hereby amended to record that the correct reference for this name is Becker, T. 1909. *Bulletin du Muséum National d'Histoire Naturelle (Paris)*, **15**(3), p. 120, and the endorsement is hereby added that it is to be given precedence over *Melanochaeta* Bezzi, 1906 and its objective junior synonym *Pachychaetina* Hendel, 1907, whenever it and the other two are considered to be synonyms, as ruled in (1) above.

History of Case 3576

An application to conserve the widely used generic name *Oscinella* Becker, 1909 (CHLOROPIDAE), threatened by its senior subjective synonyms *Melanochaeta* Bezzi, 1906 and *Pachychaetina* Hendel, 1907, was received from M. von Tschirnhaus (*Faculty of Biology, University of Bielefeld, Bielefeld, Germany*) and E.P. Nartshuk (*Zoological Institute, Russian Academy of Sciences, St. Petersburg, Russia*) on 22 September 2011. After correspondence the case was published in BZN **69**: 37–43 (March 2012). The title, abstract and keywords of the case were published on the Commission's website. No comments were received on the case.

Decision of the Commission

On 1 September 2013 the members of the Commission were invited to vote on the proposals published in BZN **69**: 39–40. At the close of the voting period on 1 December 2013 the votes were as follows:

Affirmative votes – 16: Alonso-Zarazaga, Bogutskaya, Bouchet, Brothers, Fautin, Halliday, Harvey, Kojima, Krell, Lamas, Minelli, Ng, Pape, Yanega, Zhang and Zhou.

Negative votes – 7: Ballerio, Grygier, Lim, Patterson, Štys, van Tol and Winston
Split – 1: Rosenberg.

Kottelat, Kullander and Pyle were on leave of absence.

Voting FOR, Bouchet said that when the purpose of the application was to conserve the name string *Oscinella frit*, it would have been good to go further and designate *Musca frit* as the type species of *Oscinella*. He regretted that this technical solution had not been discussed by the applicants, and had not been offered for a vote. What if *Oscinella frit* (Linnaeus, 1758) and *O. deficiens* Becker, 1909, were later regarded as not congeneric? Voting AGAINST, Patterson noted that the reasons for this case given in para. 10 of the published application were insufficient to evaluate its merits. Also voting AGAINST, Grygier said that the authors had evidently wished to conserve the generic name *Oscinella* primarily in reference to the economically important species *Oscinella frit*, i.e. as a familiar binomen that was also the type species of its genus. This was perhaps a laudable goal; however, the history presented in paras. 4–7 and 10 of the application was too incomplete, and too incompletely referenced to relevant provisions of the Code, to follow. Para. 4 ended by saying that *Oscinis* and *Chlorops* had the same type species, *Musca pumilionis*, but the type species of *Oscinis* was earlier stated to be *Musca lineata* Fabricius. Was *pumilionis* the replacement name for this homonymous *lineata*? Para. 5 first referred to *Oscinis capreolus*, but then inexplicably abbreviated the generic name as 'M.' Para. 7 did not state the specific names that arguably might have been combined originally with *Pachychaeta* by Loew (1845); was *Oscinis cornuta*, later designated as type species, one of these? Because Loew's complicated German supposedly made it difficult to tell whether there were any originally included species, didn't *Pachychaeta* Loew, which would be senior to the tachinid *Pachychaeta* Brauer & von Bergenstamm, 1891 if available, need to be suppressed? Even if *Elachiptera aterrima* (type species of *Melanochaeta*) were a junior synonym of *Oscinis capreolus*, and the latter was also senior to *Oscinella coei*, as the application stated, he did not not clearly see how *Oscinella* became endangered since neither of these species was the type of *Oscinella*.

Were both inextricably tied taxonomically to *O. frit*? Were they even in the same subgenus, or were they perhaps among the species that ‘may be transferred to other genera in the future’?

SPLITTING his vote, Rosenberg said he had done so because *Pachychaetina* was a junior objective synonym of *Melanochaeta* and as such was permanently invalid. It should therefore have been placed on the Official Index, not the Official List, and did not need the endorsement requested in the application. He said *Pachychaeta* Loew, 1845 and *Pachychoeta* Bezzi, 1896 should also be placed on the Official Index; the former was a name introduced as a synonym that was not later used as valid, and so was not available under Article 11.6 (publication in synonymy), while the latter was preoccupied by *Pachychoeta* Bigot, 1857 and so was permanently invalid. In Bezzi’s treatment of *Pachychoeta* he mentioned Loew, but did not cite the work where Loew published *Pachychaeta*, and he also used a different spelling, gave it different content, and attributed the name to himself (‘mihi’), so *Pachychoeta* should not be attributed to Loew under Article 11.6. The type species of *Pachychoeta* Bezzi was *Elachiptera aterrima* Strobl, 1880, by monotypy (demonstrated by Bezzi on p. 77), not by original designation as stated in the application. The entries for *Pachychoeta*, *Melanochaeta* and *Pachychaetina* on the Official List and Index should reflect this, he said.

Original references

The following are the original references to the names placed on Official Lists and Indexes by the ruling given in the present Opinion:

Oscinella Becker, 1909, *Bulletin du Muséum National d’Histoire Naturelle (Paris)*, **15**(3): 120.

Pachychaetina Hendel, 1907, *Wiener Entomologische Zeitung*, **26**: 98.

Melanochaeta Bezzi, 1906, *Zeitschrift für Systematische Hymenopterologie und Dipterologie*, **6**(1): 50.

Pachychaeta Loew, 1845, Dipterologische Beiträge. in: [Einladung] zu der öffentlichen Prüfung der Schüler des Königlichen Friedrich-Wilhelms-Gymnasiums zu Posen, Königliche Hofdruckerei W. Decker, Posen, p. 50.

Pachychaeta Bezzi, 1895, *Bollettino della Società entomologica italiana*, **27**, p. 72.